

### Maricopa County Air Quality Department

Enforcement Section 1001 N. Central Ave., Suite 900 Phoenix, Arizona 85004 Phone: (602) 506-6728 Fax: (602) 506-2537 May 12, 2014

Ms. Shari Yeatts Hickman's Egg Ranch, Inc. 6515 S Jackrabbit Trail Buckeye, AZ 85326

RE: Notice of Violation #s: 732956 & 732957

Dear Ms. Yeatts:

The Maricopa County Air Quality Department Enforcement Section has received a case report on the above referenced Notices of Violation.

Arizona Revised Statute § 49-513 provides authority for the Maricopa County Air Quality Department to seek statutory maximum for all alleged violations and to recover penalties of up to \$10,000 per day per violation of air quality requirements set forth in Title 49 of Arizona Revised Statutes and Maricopa County Air Pollution Control Regulations.

Enforcement calculates penalties in accordance with the Maricopa County Air Quality Department Violation Penalty Policy. The policy was established to ensure that penalties are developed in a consistent manner utilizing factors listed in Arizona Revised Statute § 49-513, and is based on the EPA Clean Air Act Civil Penalty Policy.

The Enforcement Section would like to extend to you the option of resolving your case by mail. Based on the facts of your case, we have determined a total penalty amount of \$1,966.00. Please find enclosed photocopies of your Notices of Violation, as well as other supporting documents. The Order of Abatement by Consent (OAC) illustrates the penalty amount as well as a payment due date of May 26, 2014. If you are interested in settling this matter via mail, please review and sign the included OAC, and return the original copy promptly upon signature.

If you believe there is additional information that should be considered with regards to the penalty calculation, please submit your position in writing to me, the Enforcement Officer at the contact information listed below within ten (10) working days of receipt of this letter.

Include in your response relevant information such as why the violation occurred, what control measures were implemented before and after the violation was issued, preventative measures and records/receipts supporting your position. I will contact you after reviewing the response, and if deemed appropriate, offer a recalculated penalty amount.

To view the Maricopa County Air Quality Department enforcement policies and procedures, please refer to:

http://www.maricopa.gov/aq/divisions/enforcement

If you have any questions about this settlement offer please contact me.

Sincerely,

**Brian Hartley** 

Enforcement Officer Office: (602) 506-3893 Fax: (602) 506-2537

BrianHartley@mail.maricopa.gov

Enclosures

## BEFORE THE CONTROL OFFICER OF THE MARICOPA COUNTY AIR QUALITY DEPARTMENT

MCAQD	Date Stamp	

In the Matter of:	ORDER OF ABATEMENT BY CONSENT
Hickman's Egg Ranch, Inc. 6515 S Jackrabbit Trail	OAC # <b>B-D-001-14-BLH</b>
Buckeye, Arizona 85326	Permit #: 040136 & E140556
	)
Respondent	)

#### I. <u>NOTIFICATION</u>

You are hereby notified that the Control Officer of the Maricopa County Air Quality Department has reasonable cause to believe that Hickman's Egg Ranch, Inc. operated in violation of Maricopa County Air Pollution Control Regulations (hereinafter "Regulation") adopted by the Maricopa County Board of Supervisors.

#### II. JURISDICTION

The Control Officer has jurisdiction over the subject matter of this action and is authorized to enter into this Order of Abatement by Consent ("Order") pursuant to A.R.S. § 49-511 and Regulation I, Rule 110, Section 301, Violations; Order of Abatement.

#### III. FINDING OF VIOLATION

- A. On 03/07/14, Maricopa County Air Quality Department issued Notice of Violation #732956, pursuant to Regulation III Rule 314 § 301: It shall be unlawful for any person to ignite, cause or permit to be ignited, allow, maintain any open outdoor fire within the limits of Maricopa County.
- B. On 03/07/14, Maricopa County Air Quality Department issued Notice of Violation #732957, pursuant to Regulation III Rule 310 § 302.1: No person shall commence construction of, operate, or make a modification to any dust-generating operation when such dust-generating operations disturb a total surface are of 0.10 acre (4,356 square

feet) or more without first obtaining a permit or permit revision from the Control Officer.

#### IV. TERMS AND CONDITIONS

- A. Maricopa County Air Quality Department agrees not to pursue criminal or civil remedies authorized by A.R.S. § 49-502 and A.R.S. § 49-513 against Hickman's Egg Ranch, Inc. for violations alleged in Section III of this Order. Maricopa County Air Quality Department agrees not to request the United States Environmental Protection Agency (hereinafter "EPA") to overfile on any violations alleged in this Order. Maricopa County Air Quality Department also agrees not to request EPA to consider any other enforcement action under EPA authority for violations alleged in this Order. In no way does this Order limit the authority of EPA to bring an action on any violations alleged in this Order.
- B. In return, and without admitting to the violations alleged in Section III of this Order, Hickman's Egg Ranch, Inc. agrees to pay Maricopa County Air Quality Department a total sum of \$1,966.00, due on or before May 26, 2014. Monetary payment received by Maricopa County Air Quality Department pursuant to this agreement shall be deposited in the Air Quality Fund. This payment may not be claimed as a deduction or other business expense on any form of tax return. Payment shall be made payable to the Maricopa County Air Quality Department and submitted to the attention of Maricopa County Air Quality Department, Enforcement Section, 1001 North Central Avenue, Suite 900, Phoenix, Arizona 85004. Payment by credit card is also accepted.
- C. Failure by Hickman's Egg Ranch, Inc. to make full and timely payment consented to herein shall subject Hickman's Egg Ranch, Inc. to pay interest assessed pursuant to A.R.S § 49-113(B). In the event that subsequent legal action is necessary to collect payment and interest required by this Order, Hickman's Egg Ranch, Inc. shall pay all additional enforcement expenses. These expenses shall include attorney's fees and the costs incurred by Maricopa County for the collection proceedings.
- D. Failure by Hickman's Egg Ranch, Inc. to make full and timely payment consented to herein may result in referral of the matter to a collections agency for further action and the reporting of the failure to pay to credit reporting services. In the event of referral to

- a collections agency Hickman's Egg Ranch, Inc. is responsible for all additional expenses related to the collections effort.
- E. Hickman's Egg Ranch, Inc. agrees to comply with the Regulations and/or permit conditions described in Section III of this Order.
- F. Maricopa County Air Quality Department agrees that payment in full by Hickman's Egg Ranch, Inc. of the total sum required by Paragraph B of this Section constitutes complete satisfaction to Maricopa County Air Quality Department that the violations alleged in Section III of this Order were resolved appropriately.
- G. The Parties (as defined in Section V) agree that this Order resolves Notice of Violation #s: 732956 & 732957 issued to Hickman's Egg Ranch, Inc. by Maricopa County Air Quality Department.

#### V. GENERAL PROVISIONS

- A. Maricopa County Air Quality Department and Hickman's Egg Ranch, Inc. are the Parties to this Order.
- B. All communications with Maricopa County Air Quality Department, including submittals, plans, and other items arising from this Order, shall be directed to the attention of:

Brian Hartley, Enforcement Officer Maricopa County Air Quality Department 1001 N. Central Avenue, Suite 900 Phoenix, Arizona 85004

C. If any delay or anticipated delay in meeting the terms and conditions of this Order are caused by unforeseeable circumstances beyond the control of Hickman's Egg Ranch, Inc. and cannot be overcome by due diligence, the time for performance under this Order may be extended by written amendment to this Order for a period no longer than the delay resulting from such circumstances. Hickman's Egg Ranch, Inc. shall notify Maricopa County Air Quality Department in writing within five (5) calendar days after the date that Hickman's Egg Ranch, Inc. first knew or reasonably should have known that such circumstances may or will cause a delay or anticipated delay. Economic

factors shall not be considered sufficient cause for extension of deadlines established by this Order.

- D. The Parties to this Order promise to take all actions reasonably necessary to comply with the terms, conditions, and provisions of this Order.
- E. If, after the effective date of this Order (as defined in Section VI), any provision is held to be illegal, invalid or unenforceable under present or future laws effective during the duration of this Order, such provision shall be fully severable.
- F. This Order shall not be modified or amended except by written instrument signed by the Parties to this Order.
- G. The validity, construction, interpretation, and administration of this Order shall be governed by the laws of the State of Arizona. The Parties declare that there are no other written documents between them affecting this Order; and the Parties agree that this document is the exclusive statement of the terms and conditions of this Order.

#### VI. APPEAL AND EFFECTIVE DATE

Hickman's Egg Ranch, Inc. hereby waives its right to appeal this Order under A.R.S. § 49-490. This Order shall be effective upon the latter date, if any, of signature by the Parties (the "Effective Date"). Signature by each party on any copy of this Order shall constitute signature of this Order for determining the Effective Date.

#### VII. RELIEF

Hickman's Egg Ranch, Inc. acknowledges that failure to comply with this Order may result in an action by Maricopa County Air Quality Department for criminal or civil penalties pursuant to A.R.S. § 49-502 and A.R.S. § 49-513, injunctive relief pursuant to A.R.S. § 49-512, and class 5 felony penalties for knowingly violating this Order pursuant to A.R.S. § 49-514.D.

B-D-001-14<sup>4</sup>BLH Hickman's Egg Ranch, Inc. Page 5 of 5

#### VIII. SIGNATORIES

The undersigned representatives of Maricopa County Air Quality Department and Hickman's Egg Ranch, Inc. certify that they are authorized to enter into the terms and conditions of this Order and bind legally the Parties to this Order.

HICKMAN'S	S EGG RANCH, INC.
Signature:	
Print Name:	
Title:	
Date:	
MARICOPA	COUNTY AIR QUALITY DEPARTMENT
Signature:	
Print Name:	Brian Hartley
Title:	Enforcement Officer
Date:	
Approved by:	
	William D. Wiley, Director
Date:	

#### INSPECTION REPORT-VIOLATION



Maricopa County Air Quality Department 1001 N. Central Avenue, Suite 125

Phoenix, AZ 85004

Phone: (602) 506-6010 Fax: (602) 506-2537

www.maricopa.gov/aq

Permit Number:

E140556

Hickman's Egg Ranch, Inc.

6515 S. Jackrabbit Trail

Buckeye

AZ85326

Site Name: Hickmans Egg Ranch Pullet Farm - Phase II

Site Address:

City:

Parcel 401-30-015C - 8215 S. 331st Ave, TO

Unincorporated

07-Mar-14 Date:

Start Time: 1015 hrs End Time: 1130 hrs

Inspector: Shannon Klimek #92

Phone: 602.527.6288

Email:

klimeks@mail.maricopa.gov

Inspection Result:

In Violation

Partial inspection Inspection Type:

On-site

Inspection Purpose: Complaint

Non-Compliant CL

Dispo CL

Complaint Number:

254571

Site Contact: Compliance Manager, Shari Yeatts

Phone:

Inspection Rights Notification:

623.872.2358

Read and Signed Rights

			ALL I/TOLATION	S MUST BE CORRECTED IMMEDIATELY.
RULE	SECTION	VIOLATION TYPE	PC/STATUTE	DESCRIPTION
310	302.1	NOV		No DGO shall commence w/o first obtaining permit (0.10 acre or more)
specificany.	project. There is:	no permit for this activity.	s will) melisurea aisturved	l areas at 9.49 acres observed on parcel 401-30-015C identified by Shari Yeatts as Pullet Farm - Phase II
Disposition Da	te/Time: 17M	AR2014 / 0650	Disposition Status:	Violation Corrected
Disposition Co	mments: I ver	ified a dust control pe	rmit application, appli	ication fee, and \$100.00 late fee has been submitted on 13MAR2014.

#### Comments

From off-site, I observed an active dust-generating operation located at he Hickman's Egg Ranch property at the southeast corner of 331st Ave/ Salome-Tonopah Highway, on parcel 401-30-015C.

I met on site with Compliance Manager, Shari Yeatts of Hickman's Egg Ranch, Inc. in response to a complaint regarding odor for which the remainder of this inspection report will not concern itself. Ancillary to the complaint response, Ms. Yeatts accompanied me onto the work site where the dust-generating operation was taking place.

Ms. Yeatts stated the dust generating operation is identified as Pullet Farm - Phase II and the general contractor for the project is Hickman's Egg Ranch, Inc. Ms. Yeatts stated a subcontractor, Young Farm Leveling, performed the grading on the site but specifically excluded the dust permit from the quote. Ms. Yeatts stated Project Director, Paul Yeatts of Hickman's Egg Ranch, Inc. is the project contact for this activity, but was not available on site.

I observed a large tank on the north end of the parcel which Ms. Yeatts stated was a component of a new well completed approximately 4 months

I observed a new lay house, and another new lay house with active construction activity in progress, including bulk material transport and stacking operations.

Ms. Yeatts contacted Mr. Yeatts be telephone and informed me the estimated area of disturbance was 400 ft. x 900 ft.

Ms. Yeatts accompanied me to the work site where I paced the disturbed area and took photographs of my observations. I measured the disturbed area as follows: [My paces are measured at 20 paces per 50 feet.]

Width measured along East border of work site starting even with the north east corner of the completed lay house to the South fence line on parcel 401-30-015C at 183 paces.

Length From the East edge of the material stockpiles to the West border fence line of the parcel at 270 paces.

#### Comments

The above two measurements delineate a geometric rectangle including the new lay houses and the material storage areas and unpaved disturbed areas of the parcel. So this area's measurement in square feet is 308,812.5 square feet.

I also measured a triangular shaped area immediately North and adjacent to the above rectangular area as follows:

The Base measured from the East edge of the material stockpiles to the fence line on the West border of the parcel at 270 paces.

The Height is measured from the Northwest edge of the disturbed area around the well site to the South fence line measure 307 paces, then reduced by the 183 paces measured from the North wall of the completed lay house to the South Fence line to result of 124 paces]

[The above two measurements delineate the Height and the Base of a triangle adjacent where the Base is congruent to the North border of the prior measurement of the rectangle.]

This area's measurement in square feet is 104,625 square feet.

Total measured disturbed area is 413437.5 square feet which equals 9.49 acres. I did not have complete measurements for an additional disturbed area consisting of material stacking and bulk storage of building materials actively being moved onto the adjacent parcel to the south at the time of my inspection. Also, I did not reduce my measurements further for the permanently stabilized areas i.e. tank, and lay house.

I informed Ms. Yeatts of the potential I would be issuing a violation for the unpermitted dust generating operation.

On March 10, 2014; I reviewed email from Supervisor, Eric Poole instructing me to issue the violation.

I telephoned both Ms. Yeatts and Paul Yeatts and informed them I was issuing the violation for the unpermitted dust generating operation to Hickman's Egg Ranch, Inc. and with a disposition pending the submittal of a dust control permit application and submittal of a late fee.

I emailed Mr. Yeatts with the permit number (E140556) procedurally generated with a \$100.00 late fee applied. I telephoned Mr. Yeatts and informed him the violation required corrective action consisting of submittal of a dust permit application and related fees, including a \$100.00 late fee with the assigned permit number. I informed Mr. Yeatts the the violation would necessarily be referred to Enforcement.

Mr. Yeatts arranged to promptly submit the dust control permit application and inform me when the application has been submitted with the applicable fees.

On March 17, 2014, @ 0650 hrs. I verified the Dust Control Permit application, application fees, and \$100.00 late fee was submitted for planned disturbance of 20 acres. No further correction is required for this particular violation. However, this violation is necessarily referred to Enforcement.

End report.

Additional documents associated with this inspection report:

- 1) Field notes
- 2) Inspection photographs (15 ea.)
- 3) Emails

If this section has been completed, the original Inspection Report/Violation Notice has been revised. See the attached Inspection Report Correction Notice for details.

□ DOCUMENT REVISED Revised by: Shannon Klimek #92
 □ Date: 25-Mar-14

Written responses are to be submitted within 10 days of receipt of Violation Notice. Refer to the cover letter for additional information.

Delivery Method:

Date: 17-Mar-14

Regular Mail

OFFICE USE

rec:

rev:



#### **Maricopa County Air Quality Department Compliance & Enforcement Division Photo Attachment Page**

Subcontractor:

Yes No

**Company:** 

Hickman's Egg Ranch, Inc.

**Permit Number:** 

E140556

Date of Violation:

07-Mar-14

Site Location:

Pullet Farm Phase 2 - Parcel 401-30-015C - 8215 S. 331st Ave, TO

Inspector:

Shannon Klimek #92

Violation Number: 732957

Location of Photos: P:\DUST COMPLIANCE\SUPERVISORS\Haranczak\Inspectors\Klimek\Inspection Photos\



Photo 1 of 12 Direction: S Description:

Compliance Manager, Shari Yeatts stated this project is the Pullet Farm -Phase 2. This sign was posted at the entrance to the work site.

File: IMGP0039.jpg



Photo 2 of 12 **Direction: NE** Description:

The following 5 photos including this one is a pan of the work site from the work site entrance on 331st Ave. This photo is to show the tank which Ms. Yeatts stated a well was installed along with the tank completed ~4 mo ago associated with this active

project. File: IMGP0040.jpg



Photo 3 of 12 Direction: E Description:

This photo is to show the completed lay house which is in operation, Ms. Yeatts stated this construction commenced in approximately the Summer of 2013.

File: IMGP0041.jpg



Photo 4 of 12 Direction: ESE **Description:** 

New construction in progress of lay house on right, bulk storage and unpaved roadway, and parking between structures.
File: IMGP0042.jpg



Photo 5 of 12 Direction: SE Description:

Lay house construction in progress. Unpaved roadway in front of structure.

File: IMGP0043.jpg



Photo 6 of 12 Direction: S **Description:** 

Unpaved parking area on West edge of work site.

File: IMGP0044.jpg



Photo 7 of 12 Direction: SE Description:

Disturbed area visible from here to the East end of the work site beyond the East end of the completed layhouse in the background.

File: IMGP0030.jpg



Photo 8 of 12 Direction: S Description:

I commenced my measurements from here at the North end of the site, my back to the intersection of 331st Ave and Salome Hwy. I paced to the South end of the work site.

File: IMGP0031.jpg



Photo 9 of 12 Direction: N **Description:** 

I measured 307 paces from IMGP0031 to this location at the South end of the work site.

File: IMGP0032.jpg







Photo 10 of 12 Direction: E **Description:** 

Photo 11 of 12 Direction: W Description:

Photo 12 of 12 Direction: N Description:

I commenced pacing here along the South border of the work site near a bulk material storage of steel framing.

I measured 270 paces from IMGP0033 to this location at the East end of the South border of the work site.

The location I stopped pacing in IMGP0036 was determined by the East end of the bulk material storage piles observed in the center of this photo along the East border of the work site. For my final measurement, I paced North 183 paces from the South border until I was even with the North wall of the completed layhouse. File: IMGP0035.jpg

File: IMGP0033.jpg

File: IMGP0036.jpg





COP

MAP: Hickman's Egg Ranch, Inc. Pullet Farm Phase 2 – March 7, 2014 – NOV 732957







#### 732956

#### INSPECTION REPORT-VIOLATION



Maricopa County Air Quality Department 1001 N. Central Avenue, Suite 125 Phoenix, AZ 85004

Phone: (602) 506-6010 Fax: (602) 506-2537

www.maricopa.gov/aq

Permit Number:

040136

Hickman's Egg Ranch, Inc.

6515 S. Jackrabbit Trail

Buckeye

A7.

85326

Date: 07-Mar-14

Start Time: 0900 hrs End Time: 1000 hrs

Inspector: Shannon Klimek #92

Phone: 602.527.6288

Email: klimeks@mail.maricopa.gov

Inspection Result:

In Violation

Inspection Type: Partial inspection

Site Contact: Compliance Manager, Shari Yeatts

On-site

Inspection Purpose: Complaint

Non-Compliant CL

Dispo CL

Complaint Number: 254571

Site Name: Hickmans Egg Ranch

Site Address:

City:

32425 W Salome Hwy

Arlington, AZ

Inspection Rights Notification:

623.872.2358

Read and Signed Rights

			ALL VIOLATIONS	S MUST BE CORRECTED IMMEDIATELY.	+   *
RULE	SECTION	VIOLATION TYPE	PC/STATUTE	DESCRIPTION	HPV
314	301	NOV		It shall be unlawful to ignite, cause, allow or maintain any open outdoor fire	
Specifically:	observed burni	ng evidenced by smoke from	a compost/mulch piles on	APN: 401-30-005K at Hickman's Egg Ranch.	
Disposition Da	te/Time: 07M	IAR2014 / 1000 hrs I	Disposition Status:	Violation Corrected	
Disposition Co	mments: Follo	owing site's application	of water, I observed	the smoke had ceased.	

#### Comments

From off-site, I observed smoke being generated from bulk storage piles of unknown material on the Hickman's Egg Ranch property just East of Ward Rd on Parcel 401-30-005K.

I met on site with Compliance Manager, Shari Yeatts of Hickman's Egg Ranch, Inc. in response to complaint regarding odor. Ancillary to the complaint response, Ms. Yeatts accompanied me outside the facility where I observed smoke was emanating. Ms. Yeatts stated the bulk storage piles were composting manure and mulch. Ms. Yeatts also stated the composting manure and mulch piles don't usually get that big and immediately telephoned to have water applied to the piles to eliminate the smoke.

I informed Ms. Yeatts of the potential I would be issuing a violation for the unlawful burning. I took photographs of my observations.

Later in the inspection Ms. Yeatts accompanied me again to the area where I observed the smoke was no longer visible.

On March 10, 2014; I reviewed email from Supervisor, Eric Poole instructing me to issue the violation.

I telephoned Ms. Yeatts and informed Ms. Yeatts I was issuing the violation for unlawful burning to Hickman's Egg Ranch, Inc. and with a disposition of being corrected by the cessation of smoke while I was on site. I informed Ms. Yeatts tthe violation would be referred to Enforcement. I informed Ms. Yeatts that a separate violation would be issued for future similar observations. Ms. Yeatts stated the compost/ mulch piles would be reduced in size and turned to prevent recurring burning.

No further corrective action will be required for the disposition of this particular violation. However, prevention of further occurrences of burning is suggested.

No specific violations were issued for my primary complaint response for odor. However, I identified a strong acrid odor emanating from the lined, evaporation ponds. Ms. Yeatts stated the waste water present in the ponds is from the egg washing process. The odor did not appear to be a Hydrogen Sulfide odor to me, so I did not request a fence-line test. Ms. Yeatts stated a new product was being considered called, ProKure, which may reduce or eliminate the odor as well as provide pathogen control.

# End report. Additional documents associated with this inspection report: 1) Field notes 2) Inspection photographs (6 ea.)

If this section has been completed, the original Inspection Report/Violation Notice has been revised. See the attached Inspection Report Correction Notice for details.

DOCUMENT REVISED Revised by: Shannon Klimek #92

Date: 21-Apr-14

Written responses are to be submitted within 10 days of receipt of Violation Notice. Refer to the cover letter for additional information.

Delivery Method:

Date: 10-Mar-14

Regular Mail

3) Emails

(0)HE (#, 01S)

rec:

rev:



#### **Maricopa County Air Quality Department Compliance & Enforcement Division Photo Attachment Page**



**Subcontractor:** 

No

**Company:** 

Hickman's Egg Ranch, Inc.

**Permit Number:** 

040136

Date of Violation: 07-Mar-14

Site Location:

Hickmans Egg Ranch; 32425 W Salome Hwy, Arlington, AZ

Inspector:

Shannon Klimek #92

Violation Number: 732956

Location of Photos: P:\DUST COMPLIANCE\SUPERVISORS\Haranczak\Inspectors\Klimek\Inspection Photos\



Photo 1 of 6 **Direction: SE Description:** 

Panoramic set: Southeast. Subject smoke observed from compost/mulch piles on site as observed from south side of Ward Road, Lay houses located east of the compost/mulch piles.

File: IMGP0026.jpg



Photo 2 of 6 Direction: S Description:

Panoramic set: South. Subject smoke observed from compost/mulch piles on site as observed from south side of Ward Road near west edge of water retention basin.

File: IMGP0025.jpg



Photo 3 of 6 **Direction: SW** Description:

Panoramic set: Southwest. Establishing mulch piles to east of another part of the facility. [A facility entrance is located off picture to the riaht.1

File: IMGP0024.jpg



Photo 4 of 6
Direction: SSE
Description:
Close up of the subject compost/

mulch piles which were burning.

File: IMGP0027.jpg



Photo 5 of 6 Direction: SSE Description:

Close up detail of the smoke observed emanating from the compost/mulch

File: IMGP0029.jpg



Photo 6 of 6
Direction: SSE
Description:
Extra photo, attempt to take close up

detail of the smoke.

File: IMGP0028.jpg

MAP: Permit 040136 Hickman's Egg Ranch, Inc. – NOV 732956 - Discovery: 07 March 2014





